

FINAL DRAFT NOVEMBER 21, 2005

MEMORANDUM OF AGREEMENT

BETWEEN

THE DELAWARE DEPARTMENT OF TRANSPORTATION

AND THE

SUSSEX COUNTY COUNCIL

FOR

IMPLEMENTATION OF TRANSPORTATION IMPROVEMENTS RECOMMENDED

BY THE STATE ROUTE 1 LAND USE AND TRANSPORTATION STUDY FOR

A CONTROLLED ACCESS PARKWAY WEST OF STATE ROUTE 1

WHEREAS, the Delaware Department of Transportation (Department) and Sussex County Council (County) entered into a Memorandum of Agreement (MOA) dated April 24, 2001, the purpose of which was to form a basis for jointly developing the State Route 1 Land Use and Transportation Study (SR 1 LUTS) and the mutual adoption and implementation of its findings; and

WHEREAS, the results of the SR 1 LUTS clearly showed that the existing transportation network cannot accommodate the anticipated travel demand without significant improvements; and

WHEREAS, the SR 1 LUTS recommended that the improvements include the construction of a controlled access parkway west of State Route 1; and

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WHEREAS, the existing and approved development in this area make it necessary to determine a preferred alignment of a controlled access parkway in a timely manner and to protect the rights-of-way required for its construction; and

WHEREAS, the County has statutory responsibilities, under Title 9, Part 1, Chapter 5 and Part IV, Chapter 68 of the Delaware Code, for comprehensive land use planning, zoning and other development regulations including the review and approval of subdivisions and site plans and to coordinate with activities and programs of the State; and

WHEREAS, the Department has statutory responsibilities to plan, program, fund, design, construct and maintain the state highway system outside of municipal boundaries, pursuant to 17 Delaware Code, §132, and to review and approve access permits on all public roads within its jurisdiction; and

WHEREAS, the project must involve effective continuous cooperation and coordination between state and county agencies, private and special interest groups, and the general public.

WHEREAS, the purpose of this Memorandum of Agreement between the Delaware Department of Transportation and Sussex County Council is to establish a cooperative process for implementing the recommendations of the SR 1 LUTS. Because the SR 1 LUTS was a conceptual level analysis, a more detailed study is necessary to evaluate impacts to cultural and natural resources, allow for public input, determine a preferred alignment, and obtain the necessary rights-of-way and easements. Specifically, the project will undertake the analysis necessary to determine a preferred alignment for a new controlled access parkway west of State

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Route 1, referred to as the “Western Parkway.” Although previous studies have concluded that a controlled access road is required to meet existing and future traffic demand, the project must consider all reasonable alternatives including improvements of existing roadways, roadways on a new location and a no-build alternative. This MOA sets forth the framework for the Department and the County to collectively develop the plan, adopt an alignment and protect the right-of-way for implementing the Western Parkway Project. To date, several possible future corridors have been identified and will require further detailed evaluation.

THEREFORE, the Department and the County agree:

1. To work cooperatively through the planning process that will include an analysis of transportation alternatives, including no-build, improvements to existing roadways and new alignments.
2. To work cooperatively and coordinate their efforts to protect the rights-of-way required for construction if a new alignment alternative is confirmed to be the preferred alternative.
3. To work cooperatively and coordinate their efforts to ensure that property owners and developers of proposed developments in the project area are made aware of and reserve the land identified as necessary for the Western Parkway as they prepare their plans.
4. To work jointly with property owners and developers to obtain right-of-way dedications, where feasible, or acquire land when required to complete the Western Parkway.
5. To jointly conduct public information/input meetings during the planning phase of the Western Parkway project.
6. To incorporate the recommended alternative from the Western Parkway

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cooperative process into the Sussex County Comprehensive Plan and into the zoning and other land development approval processes.

7. To recommend the funding for the Western Parkway in future Capital Transportation Programs, including engineering, environmental studies, right-of-way and construction.
8. To designate, through the Secretary of Transportation and the Sussex County Administrator, the appropriate staff members with responsibility to develop procedures and methods to successfully execute the provisions of this Memorandum of Agreement and any amendments or additions agreed to by the signatories.

President, Sussex County Council

Date

Secretary of Transportation

Date